

Serial No. 10/771,119

Docket No. K-0607

Amdt. dated January 16, 2007

Reply to Office Action of October 18, 2006

REMARKS

By the present response, Applicant has canceled claims 2 and 6 without disclaimer and amended claims 1, 3-5, 7 and 9-11 to further clarify the invention. Claims 1, 3-5 and 7-12 remain pending in this application. Reconsideration and withdrawal of the outstanding rejections and allowance of the present application are respectfully requested in view of the above amendments and the following remarks.

In the Office Action, claims 8 and 9 (sic, 9 and 10) have been objected to because of informalities. Claims 11 and 12 have been rejected under 35 U.S.C. § 112 second paragraph. Claims 1-5 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,269,239 (Hashem et al.). Claims 1-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,411,799 (Padovani). Claims 11 and 12 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the §112 rejections.

Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 11 and 12 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the § 112 rejections.

Serial No. 10/771,119

Docket No. K-0607

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Claim Objections

Claims 9 and 10 have been objected to because of informalities. Applicants have amended these claims to further clarify the invention and respectfully request that these objections be withdrawn.

35 U.S.C. § 112 Rejections

Claims 11 and 12 have been rejected under 35 U.S.C. § 112 second paragraph. Applicants have amended these claims to further clarify the invention and respectfully request that these rejections be withdrawn.

35 U.S.C. §102 Rejections

Claims 1-5 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Hashem et al. Claim 2 has been canceled. Applicants respectfully traverse these rejections as to the remaining pending claims.

Hashem et al. discloses that mobile stations in communication with several base stations in a cellular CDMA system (as when undergoing soft handoff) do not use the conventional “or of the downs” rule for assessing power control commands from base stations. Mobile stations assess the link quality of the links from the base station. If any base station displays link quality above a predetermined threshold and if that base station is requesting power reduction, power is reduced by a predetermined amount, delta. Otherwise, power is adjusted up or down by an amount less than or equal to delta according to the received power control signals from each

Serial No. 10/771,119

Docket No. K-0607

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base station in conjunction with a weight determined from the signal quality of the link from each base station.

Regarding claim 1, Applicants submit that Hashem et al. does not disclose or suggest the limitations in the combination of this claim of, *inter alia*, raising the uplink transmission power if power-up commands outnumber power-maintain commands in the power control commands.

The Examiner appears to assert that Hashem et al. discloses these limitations in col. 4, lines 1-11. However, these portions merely disclose that a mobile station communicating with multiple base stations receives power control bits from the base stations where a power-control bit having a value of 0 indicates that the corresponding base station is requesting an increase in the mobile stations transmitting power and that a power control bit having a value of 1 indicates a request for a decrease. This is not raising the uplink transmission power if power-up commands outnumber power-maintain commands in the power control commands, as recited in the claims of the present application. Hashem et al. does not disclose or suggest power-up commands outnumbering power-maintain commands or raising the uplink transmission power if the power-up commands outnumber the power-maintain commands.

Moreover, Applicants submit that Hashem et al. does not disclose or suggest comparing an average of the command value to a reference value and raising or maintaining the uplink transmission power according to a result of the comparing if there is no transmission power-

down command value in the command value. These limitations are neither disclosed nor suggested by Hashem et al.

Regarding claims 3 and 4, Applicants submit that these claims are dependent on independent claim 1 and, therefore, are patentable at least for the same reasons noted previously regarding this independent claim.

Accordingly, Applicants submit that Hashem et al. does not disclose or suggest the limitations in the combination of each of claims 1 and 3-5 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Claims 1-10 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Padovani. Applicants respectfully traverse these rejections.

Padovani discloses a power control system for communication systems which utilizes a ternary signaling scheme to reduce or eliminate limit cycling which occurs as the result of using a binary signaling scheme. The power control values (each having one of three possible values) are not encoded and are punctured onto the data to improve the response time of the power control loop and allow for dynamic adjustment to the transmit power. The power up, power down, and do nothing commands are represented by positive, negative, and zero values (e.g., +1, -1, and 0), respectively. The remote station decreases its transmit power if any base station issues a power down command, maintains its transmit power if no base stations issue a power

down command and at least one base station issues a do nothing command, and increases its transmit power if all base stations issue power up commands.

Regarding claims 1 and 5, Applicants submit that Padovani does not disclose or suggest the limitations in the combination of each of these claims. For example, the Examiner asserts that Padovani discloses wherein if there isn't the power-down command in the command values, raising the uplink transmission power if power-up commands outnumber power-maintain commands in the power control commands, at col. 7, lines 60-62. However, these portions merely disclose that transmit power is increased if all base station issue power-up commands. This is not raising the uplink transmission power if power-up commands outnumber power-maintain commands in the power control commands, as recited in the claims of the present application. Padovani merely discloses that if all the base stations issued power-up commands the transmit power is increased.

The Examiner appears to admit that Padovani does not disclose or suggest if there isn't the transmission power-down value in the command value, comparing an average of the command value to a reference value and raising or maintaining the uplink transmission power according to a result of the comparing. Further, Applicants submit that Padovani does not disclose or suggest comparing an average of the combined value to a reference value and raising or maintaining the uplink transmission power according to a result of the comparing. Padovani merely discloses comparing each independent power control value against a set of thresholds to

Serial No. 10/771,119

Docket No. K-0607

Amdt. dated January 16, 2007

Reply to Office Action of October 18, 2006

produce the corresponding received power control value. The power received power control values from all base stations are then logically combined and the transmit power adjusted based on the commands from the base stations. This is not raising or maintaining the uplink transmission power according to a result of comparing an average of the command value to a reference value, as recited in the claims of the present application. Padovani merely discloses a comparison being made in order to establish the power control values. After these values are established, the transmit power is adjusted based on the commands from the combination of base stations. This is not the same as the limitations in the claims of the present application.

Regarding claims 3, 4 and 7-12, Applicants submit that these claims are dependent on one of independent claims 1 and 5 and, therefore, are patentable at least for the same reasons noted previously regarding these independent claims.

Accordingly, Applicants submit that Padovani does not disclose or suggest the limitations in the combination of each of claims 1, 3-5 and 7-12 of the present application. Applicants respectfully request that these rejections be withdrawn and that these claims be allowed.

Serial No. 10/771,119

Docket No. K-0607

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CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that claims 1, 3-5 and 7-12 are now in condition for allowance. Accordingly, early allowance of such claims is respectfully requested. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, Frederick D. Bailey, at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
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